

IN THE UNITED STATES BANKRUPTCY COURT  
DISTRICT OF PUERTO RICO

IN RE:  
NELSON VARGAS CORDERO  
MARY J. RODRIGUEZ QUIÑONES

Debtors

IN RE:  
NELSON VARGAS CORDERO  
MARY J. RODRIGUEZ QUIÑONES

Plaintiffs

vs.

COOPERATIVA DE AHORRO Y CREDITO  
NUESTRA SEÑORA DE LA CANDELARIA; X,  
Y, and/or Z INSURANCE CO.; JOHN DOE AND  
JANE ROE

Defendants

JOSE CARRION MORALES  
CHAPTER 13 TRUSTEE/PARTY IN INTEREST  
CASE 11-02484-BKT

Case No. 98-10612 (ESL)

CHAPTER 13

Adv. No. 11-00151- ESL

VIOLATION OF DISCHARGE  
INJUNCTIVE RELIEF / CONTEMPT  
/ DAMAGES

RESPONSE TO COMPLAINT  
TO HONORABLE COURT:

Come now, Cooperativa de Ahorro y Crédito La Candelaria (hereinafter Candel Coop), that respectfully states, prays, and requests as follows:

1. Paragraph 1 of the complaint is denied as drafted. The allegations pertaining to the nature of the action are admitted, but the allegations made against Candel Coop are denied just as the merits of the complaint.
2. Paragraph 2 of the complaint is admitted.

3. Paragraph 3 of the complaint is admitted.
4. Paragraph 4 of the complaint is admitted.
5. Paragraph 5 of the complaint is admitted.
6. In as much as the allegations of paragraph 6 of the complaint are not addressed to Candel Coop, the allegations are not admitted or denied and in the alternative they are denied.
7. In as much as the allegations of paragraph 7 of the complaint are not addressed to Candel Coop, the allegations are not admitted or denied and in the alternative they are denied.
8. Paragraph 8 of the complaint is admitted.
9. Paragraph 9 of the complaint is admitted in part and denied in part. The allegations regarding the filing of the new Bankruptcy Petition are denied in as much as Candel Coop has no way of knowing the motivations of the Plaintiffs.
10. Paragraph 10 of the complaint is admitted.
11. Paragraph 11 of the complaint is admitted.
12. Paragraph 12 of the complaint is admitted.
13. For lack of information and belief paragraph 13 of the complaint is not admitted or denied and in the alternative is denied.
14. For lack of information and belief regarding which Bankruptcy Petition is referred to in paragraph 14 of the Complaint, the allegations are not admitted nor denied and in the alternative they are denied.
15. For lack of information and belief regarding which Bankruptcy Petition is referred to in paragraph 15 of the Complaint, the allegations are not admitted nor denied and in the alternative they are denied.

16. For lack of information and belief regarding which Bankruptcy Petition is referred to in paragraph 16 of the Complaint, the allegations are not admitted nor denied and in the alternative they are denied.

17. For lack of information and belief regarding which Bankruptcy Petition is referred to in paragraph 17 of the Complaint, the allegations are not admitted nor denied and in the alternative they are denied.

18. Paragraph 18 of the complaint is admitted.

19. Paragraph 19 of the complaint of the complaint is admitted but it is denied with respect to the actual notice and knowledge of the discharge order and of which Bankruptcy Case.

20. Paragraph 20 of the complaint is admitted but is it denied with respect to the allegations of willful violation.

21. Paragraph 21 of the complaint is admitted.

22. Paragraph 22 of the complaint is admitted.

23. Paragraph 23 of the complaint is denied.

24. Paragraph 24 of the complaint is admitted.

25. Paragraph 25 of the complaint is denied as drafted.

26. Paragraph 26 of the complaint is denied as drafted.

27. Paragraph 27 of the complaint is admitted.

28. Paragraph 28 of the complaint is admitted.

29. Paragraph 29 of the complaint is denied as drafted.

30. Paragraph 30 of the complaint is denied as drafted.

31. Paragraph 31 of the complaint is denied as drafted.
32. Paragraph 32 of the complaint is denied as drafted.
33. Paragraph 33 of the complaint is denied.
34. Paragraph 34 of the complaint is denied.
35. Paragraph 35 of the complaint is denied.
36. Paragraph 36 of the complaint is denied.
37. Paragraph 37 of the complaint is denied.
38. Paragraph 38 of the complaint is denied.
39. Paragraph 39 of the complaint is denied.
40. Paragraph 40 of the complaint is denied.
41. Paragraph 41 of the complaint is denied.
42. Paragraph 42 of the complaint is denied.
43. Paragraph 43 of the complaint is denied.
44. Paragraph 44 of the complaint is denied.
45. Paragraph 45 of the complaint is denied.
46. Paragraph 46 of the complaint is denied.
47. Paragraph 47 of the complaint is denied.
48. Paragraph 48 of the complaint is denied.
49. Paragraph 49 of the complaint is denied.
50. Paragraph 50 of the complaint is denied.
51. Paragraph 51 of the complaint is denied.
52. Paragraph 52 of the complaint is denied.

53. Paragraph 53 of the complaint is denied.

54. Paragraph 54 of the complaint is denied.

55. Paragraph 55 of the complaint is denied.

56. Paragraph 56 of the complaint is denied.

57. Paragraph 57 of the complaint is denied.

58. Paragraph 58 of the complaint is denied.

59. Paragraph 59 of the complaint is denied.

60. Paragraph 60 of the complaint is denied.

61. The prayer of relief of the complaint is denied.

#### AFFIRMATIVE DEFENSES

1. The complaint fails to state a claim for which a relief may be granted.

2. The plaintiffs have not suffered any damages and if they have, the damages alleged are exaggerated..

3. The plaintiffs are estopped by their own acts.

4. The plaintiffs have failed to join as a party persons needed for a just adjudication of the complaint.

5. The Plaintiffs induced the Defendants to error by filing multiple Bankruptcy Petitions.

6. The actions by the Defendant were not willful nor negligent, and any acts or omissions by the Defendant did not cause any damages to the Plaintiffs as a matter of fact. Furthermore, any acts or omissions by the Defendant did not cause any damages to the Plaintiffs since the Plaintiffs had already incurred in numerous debts with numerous creditors that had been

subject to the subsequent bankruptcy petitions, pursuant to which they did not get the corresponding discharge.

7. The Defendant reserves the right to amend the allegations of the response to the complaint subject to the outcome of the discovery in this case.

WHEREFORE, it is respectfully to from the Court to deny the Complaint imposing on the Plaintiffs the payment of costs and legal fees.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 4<sup>th</sup> day of October, 2011.

I hereby certify that on this same date a true and exact copy of this motion was sent to Edwin Matos Maldonado and Félix Zeno Groló through the Electronic Case Management System.

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